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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of the Amateur Service )  
Rules to Implement a Vanity Call )  
Sign System. )

PR Docket No. 93-305

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

To: The Commission

REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated, (the League), the national non-profit association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. §1.415), hereby respectfully submits its reply comments in response to the Notice of Proposed Rule Making (the Notice), 9 FCC Rcd. 105 (1993). The Notice proposes to implement a new system of call sign assignment whereby those licensees who elect to do so may choose their amateur call sign under certain conditions, if the combination of letters and numbers is available, provided that a certain user fee is paid to the Commission for the privilege. In reply to certain of the Comments filed in this proceeding, the League states as follows:

I. Introduction

1. The League has reviewed the comments in the Commission's public reference room, and noted approximately 109 comments filed. The vast majority of those comments favored the Notice proposal, though most, like the League, had specific views as to how the allocation of the limited resource of available call signs,

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especially those in the preferred categories of one-by-two and one-by-three letter prefixes and suffixes, should be fairly allocated. The comments did not substantially diverge from the proposed formula for prioritizing the assignment of call signs suggested in the League's comments. It is apparent that the bulk of the commenters favor a procedure whereby old call signs, once held, and call signs held by deceased close relatives of licensed amateurs, should be available on a priority basis to applicants. The League's comments were based on surveys conducted by members of the League's Board of Directors. There were 730 respondents, approximately seven times the number of commenters in the Commission proceeding. The comments in this proceeding, understandably, significantly favor the elements of the League's proposed assignment plan.

## **II. The Few Opposing Comments Should Not Delay Or Preclude The Implementation Of The Program**

2. There were fewer than five comments in the FCC's RIPS file in this proceeding which opposed the concept of a vanity call sign assignment system. The bases for the opposition of those few commenters were not uniform. For example, Mr. Richard Stalls, K4KY0, was concerned that the proposal would cost the government a lot of money, which would ultimately be borne by taxpayers. Second, he was concerned about reissuance of call signs of deceased amateurs, which, he alleged, would tread on the important traditions in the amateur service, since some call signs were assigned to well-known amateurs or those who greatly contributed to the avocation or to communications generally. Third, he believes that the sequential issuance of call signs indicates a temporal

point of reference as to when a person was first licensed, which Mr. Stalls perceives as useful and not something that should be diluted. Mr. Ronald Ostman, WB0NYQ, believes that the program is frivolous, and detracts from the real issues of importance in the Amateur Service. Mr. Bill Kaylor, W9DSM, suggests that the focus on call signs detracts from the "service" aspects of the avocation, and places a focus on disruptive, and non-unifying concepts, rather than harmonization.

3. These are all very thoughtful and important points. The concerns are not, however, representative of the overwhelming opinion of the amateur community, as reflected in both the League's survey and the comments in the Commission's file. As to the issue of cost, the Congress intended for the licensee-selected call sign program to be self-funding. It certainly did not intend that the service to the Amateur community be funded by taxpayers generally. Quite the contrary: The League suggested the licensee-selected call sign plan to Congress initially as an alternative to what Congress had proposed several times previously: a blanket annualized license fee for all amateurs, which would not have translated to any FCC-provided services to the Amateur Service. The League's legislative alternative, which was finally incorporated in the Omnibus Budget Reconciliation Act of 1993, was to provide a service desired by the amateur community, though perhaps not critical to the basic functioning of the Service, in exchange for payment for that

service.<sup>1</sup> There is now pending a proposal in Congress to add an application fee for vanity call signs, and to delete the annualized user fee. This would permit the Commission to require an amateur licensee who wishes to choose his or her call sign to pay an application fee in advance, and have the call sign assigned for the lifetime of the holder, or until he or she chooses to change it. Either way, the program is intended to be self-funding, and not an additional burden on the taxpayers. This is largely the reason why the program is so attractive: the Commission is providing a service to the amateur community on an elective basis, which the amateurs are willing to pay for; it is not necessary, but rather an enhancement of the enjoyment derived from this public service avocation.

4. As to the concern about reissuance of call signs of deceased amateurs, the League shares the concerns of the aforementioned commenters, and indeed discussed the subject in its own comments. There were a number of comments which supported the Notice proposal, but which suggested that it would be disrespectful to the memory of those amateurs who contributed much to communications technology, the development of amateur radio, or the communications art. This is a troublesome concept indeed, because the Amateur Service is steeped in tradition. It is part of what makes the Service as cohesive as it is, and part of the reason why

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<sup>1</sup> Public Law 103-66 amended the Communications Act to add Section 9(g) (47 U.S.C. §159(g)) providing for annualized user fees, which can be charged in advance for a period up to a full license term, pursuant to Section 9(f) (47 U.S.C. §159(f)).

licensees share a strong sense of pride in accomplishment and the pride of belonging, and of fraternalism. It contributes greatly to self-enforcement and self-regulation, as well. The League does not intend for this tradition be sacrificed whatsoever. However, with the opportunity for family members who are licensees to obtain the call sign of a deceased relative, and for a club to be able to obtain that call sign, there is a procedure which would permit the preservation of the memory of the well-known, respected amateurs, and to continue and protect, rather than sacrifice, the sense of tradition that is an integral part of the Amateur Service.

5. Finally, as to the argument that selection of call signs focuses on irrelevancies and detracts from the harmony of the Service, the League believes that the opposite result is more likely. If an amateur is permitted to choose a call sign, which is after all the sense of identity used in on-air communications, it will permit a means of greater recognition, and a sense of accomplishment (and an incentive to proceed with self-training). It would, after all, be a means for a licensee to reflect the pride of being a radio amateur. A licensee-selected call sign program certainly enough is not mandatory, but it is an enhancement, and for those who wish to participate in the program, an opportunity that should be available to them. The few commenters that oppose the program, therefore, do not provide sufficient argument to delay or preclude the implementation of the program for the majority that wish to avail themselves of it. The program will also permit certain inequities to be remedied as well. As stated appropriately

by the Quarter Century Wireless Association in its comments:

Yes, there is a binding relationship for many with call letters they have been assigned through the years. Many of those who "lost" their earlier call<sup>2</sup> would be extremely happy to have the old call back. Undoubtedly, there are others who have been content with the luck of the draw when the required change was put into effect. It is for the former group that the QCWA is requesting special consideration under the new "Vanity Call" system, as the only avenue which can achieve the results desired...reobtaining that call which was once taken away.

QCWA Comments, at 2.

### **III. There Is No Need Or Authority For Any Privatization Of The Vanity Call Sign Program**

6. The comments of Frederick O. Maia, W5YI, deserve separate reply. Maia suggests that "most" amateurs are incapable of correctly completing and submitting an FCC form, and need help in doing so. He suggests that the Commission's offices will be inundated with inquiries concerning proper filing procedures, application handling, and call sign issuance, though he acknowledges that the procedures and rules will be clearly published. He suggests that the Commission establish a Vanity Call Sign Administration program as a private sector program, whereby appointed private sector administrators, such as Maia, would be permitted to charge a fee for preparing an application for a special call sign, determining its availability, and forwarding the application to Gettysburg for Commission processing.

7. There is nothing stopping Mr. Maia, an entrepreneur, from

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<sup>2</sup> The loss of a previously held call sign occurred principally by moving one's residence from one call area to another, which was done at a time when Commission rules required the call sign to reflect the call area of the residence of the licensee.

establishing any type of cottage business around the Commission's Vanity Call Sign program that he believes might be profitable for him, as long as it does not involve the participation of the Commission or a Commission appointment. Indeed, computerized listings of available call signs would be a desirable resource to some amateurs, who may be willing to pay for access to the database, preparatory to submitting a Form 610-V to the Commission listing a selection of call signs in order. It is apparent that the Commission does not intend to provide such a service, nor need it do so as part of the Vanity Call Sign program. There are well-established database services that may be willing to provide such a service commercially. Indeed, the League itself will endeavor to provide this information itself as a membership service. Further, though it adds no value to the transaction whatsoever, Mr. Maia may wish to provide a commercial application filing service for amateurs who do not wish to complete and mail a form themselves. What is not possible, however, is for the Commission to specifically establish any such private sector program pursuant to existing legislation, or anoint any one, or a group, of private sector entities to administer, or assist in administering, the program. The Commission is not authorized by Congress to accept the voluntary services of private sector entities in the administration of this program, and as such is prohibited from doing so, pursuant to 31 U.S.C. §1342.

8. There is nothing for the Commission to "permit", and no one to "appoint" pursuant to Mr. Maia's proposed scheme. What is not

well taken, however, is the suggestion that what would be provided is a "service". In fact, the premises of Mr. Maia's proposal are flawed: In the League's view, radio amateurs are fully capable of correctly completing Commission forms and submitting them with payment correctly. This has been done for years with FCC Form 610. Neither do the Commission's offices need protection from the public. If there is to be a flood of calls about forms to the Commission's offices in Gettysburg from applicants for special call signs, then there is a problem with the instructions provided to the applicants, or in the application form, or both. Otherwise, recorded messages at the Gettysburg office should suffice as a means of informing call sign applicants of processing timetables and sources of private sector information about available call signs. Maia's proposal is cumbersome, bureaucratic, and adds not a whit of value to the entire application procedure from the point of view of the applicant. If he wishes nonetheless to capitalize on the program by establishing an application filing business, then he is free to do so, but he cannot expect the Commission's imprimatur as a means of legitimizing a commercial business enterprise.

#### **IV. Conclusion**

9. The comments in this proceeding reveal an overwhelming amount of support for the licensee-selected call sign assignment program proposed in the Notice. The League again urges that the Commission proceed with the program as proposed, but with the procedural format urged in the League's comments. The amateur community appreciates the Commission's responsiveness to the public



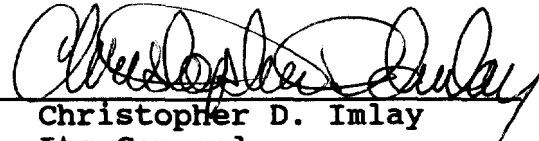
interest in its willingness to implement this program, and the comments reflect the desire of the Amateur Service to proceed with it.

**Therefore,** the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission proceed with the adoption of a Report and Order implementing the Notice proposal, and establishing a program for licensee-selected call signs at the earliest opportunity, with the minor modifications suggested in the League's Comments in this proceeding.

Respectfully submitted,

**THE AMERICAN RADIO RELAY  
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May 23, 1994

**CERTIFICATE OF SERVICE**

I, Christopher D. Imlay, of the law firm of Booth, Freret and Imlay, do certify that copies of the foregoing REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED were mailed via U. S. mail, postage prepaid, first class, this 23rd day of May, 1994, to the offices of the following:

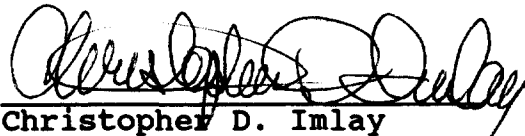
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